

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re TREMONT SECURITIES LAW, STATE  
LAW AND INSURANCE LITIGATION

Master Docket No. 1:08-11117 (TPG)

CUMMINS INC., as the authorized  
representative of the Cummins Inc. Grantor  
Trust dated September 10, 2007, as amended,

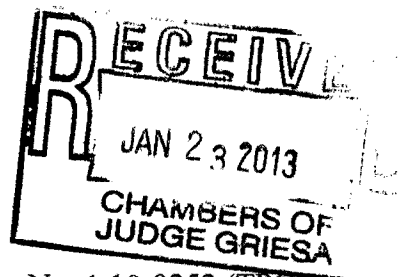
Plaintiff,

v.

Civil Action No. 1:10-9252 (TPG)

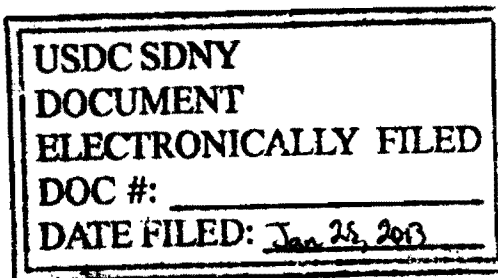
NEW YORK LIFE INSURANCE  
COMPANY, NEW YORK LIFE  
INSURANCE AND  
ANNUITY CORPORATION, TREMONT  
CAPITAL MANAGEMENT, INC., RYE  
INVESTMENT MANAGEMENT,  
MASSMUTUAL HOLDING LLC,  
MASSACHUSETTS MUTUAL LIFE  
INSURANCE CO., OPPENHEIMER  
ACQUISITION CORP., RYE  
SELECT BROAD MARKET PRIME  
FUND L.P., RYE SELECT BROAD  
MARKET XL FUND L.P., RYE SELECT  
BROAD MARKET INSURANCE  
PORTFOLIO, LDC, TREMONT  
OPPORTUNITY FUND III, L.P., TREMONT  
(BERMUDA) LTD., TREMONT GROUP  
HOLDINGS, INC., and TREMONT  
PARTNERS, INC.,

Defendants.



ECF CASE

JURY TRIAL DEMANDED



STIPULATION AND [PROPOSED] ORDER CONCERNING  
THE SCHEDULE FOR PLAINTIFF CUMMINS, INC.'S FILING OF ITS  
RESPONSES TO DEFENDANTS' MOTIONS TO DISMISS

Whereas, on October 4, 2012, the Court entered a briefing schedule for defendants' filing of motions to dismiss plaintiff Cummins Inc.'s ("Cummins") Third Amended Complaint in the above captioned matter (1:10-9252 (TPG), Dkt. No 47);

Whereas, defendants have timely filed their motions to dismiss (the "Motions");

Whereas, Cummins' responses to the Motions (the "Responses") are due on January 25, 2012;

Whereas, Cummins' counsel has been working diligently on the Responses, but requires an extension of time to complete the Responses due to the press of deadlines in other litigation matters and unanticipated travel; and

Whereas, defendants' counsel have no objection to Cummins' request for an extension of time to complete and file the Responses;

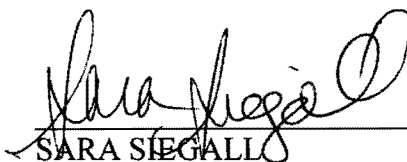
**IT IS HEREBY STIPULATED**, by and between undersigned counsel for the parties, without waiving any rights, defenses, or arguments they may assert, and subject to the approval of the Court, as follows:

Cummins shall have until March 1, 2013 to file its Responses to Defendants' Motions to Dismiss;

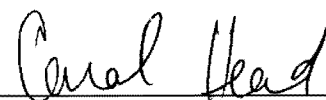
The New York Life, MassMutual, Oppenheimer and Tremont Defendants shall have until April 5, 2013 to file their Replies in Further Support of their respective Motions to Dismiss Cummins' Second Amended Complaint; and

The Funds shall have until April 19, 2013 to file their Reply in Further Support of their Motion to Dismiss Cummins' Second Amended Complaint.


January 22, 2013

  
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January 22, 2013

  
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January 22, 2013

  
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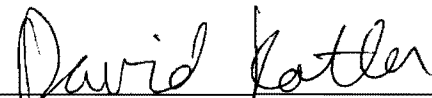
January 22, 2013

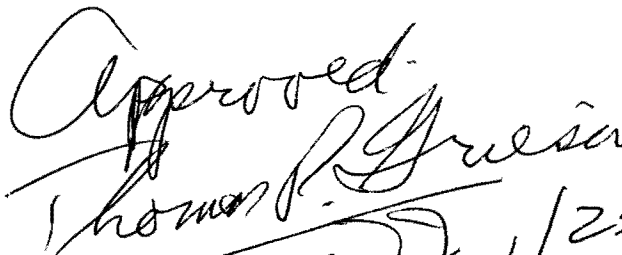
  
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January 22, 2013

  
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January 22, 2013

  
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Approved  
Thomas P. Gruen  
JSD 1/25/13